

Message Text

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ACTION EB-08

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FM AMEMBASSY ROME

TO SECSTATE WASHDC 3415

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E.O. 11652: N/A

TAGS: EAIR, IT

SUBJECT: CIVAIR: DISCRIMINATION AT ROME AIRPORTS

REF: ROME 4328

1. EMBASSY RECEIVED ON MARCH 14 LONG AWAITED RESPONSE TO EMBASSY'S NOTE 271 OF MAY 1, 1976. UNOFFICIAL TRANSLATION FOLLOWS.

2. BEGIN TEXT. THE MINISTRY OF FOREIGN AFFAIRS HAS THE HONOR OF REFERRING TO THE NOTES VERBALE NO. 271 OF MAY 21, 1976, AND 99 OF FEBRUARY 23, 1977, OF THE EMBASSY OF THE UNITED STATES OF AMERICA.

IN THAT REGARD (THE MINISTRY) POINTS OUT THE FOLLOWING: ON THAT HANDLING SERVICES AT FIUMICINO AIRPORT, LAW NO. 755 OF NOVEMBER 10, 1973, ISSUED AFTER THE LAW RATIFYING THE US-ITALY AGREEMENT, CONFIRMED THAT THE FIUMICINO AIRPORT CAN BE USED EQUALLY BY ALITALIA AND FOREIGN AIRLINES. IN FACT, THERE ARE NO INDICATIONS OF PREFERENTIAL TREATMENT, WITH REGARD TO HANDLING, FOR ALITALIA; ALL THAT THE LAW DOES IS GRANT TO THE AIRPORT MANAGEMENT COMPANY (SOCIETA' AEROPORTI DI ROME) THE "DIRECT IMPLEMENTATION OF AIRPORT SERVICES" (ART. 4, PARA 2).

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THE PRESENT STATE OF DIFFERENT TREATMENT AS BETWEEN ALITALIA AND U.S. AIRLINES IN THIS MATTER RESULTS NOT FROM PROVISIONS OF LAW BUT FROM A CURRENT SITUATION LINKED TO JUDICIAL PROCEEDINGS IN PROCESS. IN FACT, ALITALIA CONTESTED BEFORE THE ADMINISTRATIVE JUDGE THE MERELY EXPLANATORY COMMUNICATION BY WHICH THE

MINISTRY OF TRANSPORT AND CIVIL AVIATION ANNOUNCED THE
TRANSFER OF ALL AIRPORT SERVICES TO THE SOCIETA'
AEROPORTI DI ROME.

ALITALIA, WHILE WAITING FOR THE RULING CARRIES OUT
SOME OF ITS OWN SERVICES.

THEREFORE, IT IS CONFIRMED THAT BY LAW ALITALIA HAS
THE SAME TREATMENT AS THE U.S. AIRLINES WITH REGARD TO
HANDLING SERVICES AT FIUMICINO. THE PRESENT DIFFERENT
SITUATION SHOULD BE CONSIDERED AS TRANSITORY AND DERIVING
FROM RECOURSE TO ADMINISTRATIVE APPEAL PROCEDURES.

IN REGARD TO THE SECOND QUESTION ON THE PAYMENT OF
AIRPORT CHARGES BY ALITALIA, (THE MINISTRY) ADVISES THAT
ON FEBRUARY 28, 1977, THE PETITION PRESENTED BY ALITALIA
WAS REJECTED BY THE ADMINISTRATIVE JUDGE.

THEREFORE, AT THE PRESENT TIME, ANY CLAIM OF THE
(ALITALIA) COMPANY TO HAVE AT THE FIUMICINO AND
CIAMPINO AIRPORTS PREFERENTIAL TREATMENT IN REGARD TO
AIRPORT PAYMENTS IS WITHOUT ANY FOUNDATION AND, THUS,
THE NATIONAL AIRLINE SHOULD BE HELD TO BE EQUAL IN
THIS REGARD TO ANY OTHER AIRLINE, DOMESTIC OR FOREIGN.

IN REGARD TO THE THIRD QUESTION ON CHARTER SERVICES
IT MUST BE NOTED THAT THE PROHIBITION AGAINST USE OF
FIUMICINO AIRPORT BY U.S. AIRLINES IS NOT A DISCRIMINATION
THAT WOULD BE IN VIOLATION OF THE EXISING AIR AGREEMENT
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BETWEEN ITALY AND THE U.S.A. BECAUSE THE AGREEMENT
GOVERNS ONLY REGULARLY SCHEDULED AIRLINE MATTERS.

THE MINISTRY OF FOREIGN AFFAIRS AVAILS ITSELF, ETC.
END TEXT. BEAUDRY

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Message Attributes

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